

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	
	)	Chapter 11
YELLOW CORPORATION, et al.,	)	
	)	Lead Case No. 23-11069 (CTG)
Debtors.	)	

**CENTRAL STATES PENSION FUND'S  
MOTION FOR SUMMARY JUDGMENT ON  
ITS WITHDRAWAL LIABILITY AND CONTRIBUTION GUARANTEE CLAIMS**

Central States, Southeast and Southwest Areas Pension Fund (“Central States Pension Fund”) by and through its undersigned counsel, move this Court for summary judgment pursuant to Federal Rule of Civil Procedure 56 and Federal Rule of Bankruptcy Procedure 7056.<sup>1</sup>

1. Central States Pension Fund moves for summary judgment allowing its claims for withdrawal liability (Claim Nos. 4312–4335) in the amount of \$1,579,806,536.80, which is equivalent to the sum of the 20 annual payments of \$78,990,326.84 under 29 U.S.C. § 1399(c)(1). There is no basis under the Bankruptcy Code or under the Employee Retirement Income Security Act for further reducing the amount of Central States Pension Fund’s claims, as Debtors now suggest, nor for subordinating Central States Pension Fund’s claims under 29 U.S.C. § 1405.

2. Central States Pension Fund also moves for summary judgment allowing its claims for Debtors’ breach of a 2014 contribution guarantee agreement (Claim Nos. 4336–4352) in the amount of \$917,028,151.94. As the Court already held with respect to certain other agreements, Debtors should be held to the bargain they struck with Central States Pension Fund when they entered into the contribution guarantee. (Amended Memorandum Opinion, Dkt. No. 4769, at 39–41.) Although no discounting to present value is appropriate, to the extent the Court determines

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<sup>1</sup> For the avoidance of doubt, Central States Pension Fund reserves the right to appeal the Court’s determination that the 20-year limitation on payments applies here notwithstanding Debtors’ default.

otherwise, the proper discount rate is 4.00%, which is the actuarially determined investment rate for Central States Pension Fund for 2023.

3. In support of this motion, Central States Pension Fund incorporates by reference Central States Pension Fund's Brief in Support of its Motion for Summary Judgment on Its Withdrawal Liability and Contribution Guarantee Claims, filed contemporaneously herewith, and all exhibits thereto.

**SULLIVAN • HAZELTINE • ALLINSON LLC**

*/s/ William D. Sullivan*

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